of the plot of land, *i.e.*, whether the land belonged to Mysore or British territory?

Mr. N. SARABHOJA.—There was some doubt.

Mr. B. L. BYANNA.—Is the present delay due to that original mistake?

Mr. N. SARABHOJA.—To a very small extent.

Mr. Y. V. MUNISWAMI IYER.—Is it the idea to entrust the execution of this project to civil engineers or to electrical engineers? Are the Government aware that, as much of the work pertains to civil engineering, public opinion is in favour of the work being entrusted only to the Public Works Department?

Mr. N. SARABHOJA.—Civil works will all be entrusted to the Public Works Department and only the electrical portion to the Electrical Department.

Mr. C. V. RAMAN.—Have our Government entered into any agreement with Madras to the effect that all projects proposed to be taken up by Mysore after 1940 should receive the prior consent of Madras?

Mr. N. SARABHOJA.—No.

GOVERNMENT BUSINESS—BILLS—*contd.*

VII. General Principles of the Mysore Public Security Bill.

The SECRETARY to GOVERNMENT, LAW DEPARTMENT (Mr. C. Subrahmanya Aiyar) explained the general principles of the bill as follows:—

The enactment of legislation to supplement the criminal law for the purposes of securing the public safety and interest and for maintaining law and order was one of the recommendations of the Committee of Enquiry on the Disturbances at Viduraswatha. The suggestion was made with the idea that it would be employed only in critical situations. Such a measure has been under the consideration of Government since then. They were hoping that its introduction might be deferred, if not obviated.

The recent activities of a certain section of the people, however, rendered it necessary to enact this measure as an Emergency Act in the latter part of September. And it seems desirable, in the interests of law and order and public safety, to place it permanently on the Statute Book.

The bill seeks to confer upon the Government or other appropriate authorities the following powers, *viz.*,—

1. power to arrest and control the movements of persons acting prejudicially to the public safety;

2. power to ban and to take possession and forfeit the property of unlawful associations;

3. power to prevent public meetings likely to cause disturbance or public excitement; and

4. power to deport undesirable foreigners.

The bill also contains provisions which will enable the authorities to deal adequately with certain forms of intimidation and with instigations to the illegal refusal of the payment of certain liabilities.

All these provisions are to be found in one or other of British Indian Acts that are in force there to-day.

Chapters III, IV and VI providing for banning unlawful associations, taking possession of and forfeiting property, preventing meetings, and dealing with intimidation and instigation, etc., have not been notified being unnecessary for the time being. They will be availed of only if and when the necessity for them arises.

Mr. MAYI GOWDA pointed out that to meet critical situations, the Government had already enacted an Emergency Act which would in the usual course be in force for another four months, and thus Government had armed themselves with adequate power to deal with situations as they developed. But as there was a possibility of the situation coming to normal within four months, he thought that there was no necessity to place the legislation on the Statute Book permanently. He therefore opposed the bill.

Mr. C. V. RAMAN observed that Mysore was recognized to be a Model State because of the efficiency of its administration and its responsiveness to the wishes of the people. If the Public Security Act was placed on the Statute Book permanently, it would create a

wrong impression on the part of the outside world that the citizens of Mysore had no respect for law and order. He had reason to fear that the reports reaching the Government about the activities of certain people might be one-sided and not free from prejudice His own impression was that the heart of the average Mysorean was as sound as before and the general public did not sympathise with any subversive movements. He therefore urged that the bill be taken back by the Government.

Mr. K. C. SUBBANNA, on the other hand, welcomed the measure and thanked the Government for proposing it, though at a somewhat late stage. It was unfortunate, he said, that certain sections of the public were indulging in unlawful activities and that the movement was gaining strength in various parts of the State. There was no security for life and property in certain places latterly and it was obvious that persons calling themselves congressmen and respectors of Truth and Non-violence were resorting to violence The language employed in their lectures was most objectionable. In the Hengala Village, Gundlupet Taluk, for instance, they had made all sorts of wild promises to the people assembled in connection with the bye-election. They stooped to questionable means to secure votes for themselves, while rival candidates were about to be molested and man-handled. The Government, he said, might not tolerate such things.

Continuing, the speaker said that he was unable to appreciate the spirit underlying the congressmen's demand for responsible government in the State. People in Mysore were already enjoying the substance of responsible government under the ægis of His Highness the Maharaja and this was exactly what every right-thinking citizen wanted. It was meaningless for local congressmen to imitate the methods adopted by the Congress party in British India which was ruled by foreigners.

In conclusion, he pointed out that there could be no objection to enacting the measure under discussion. Even in the provinces ruled by Congress Ministries, the Criminal Law Amendent Act was in force and the bill under discussion was in no way worse than that. For these reasons, he said that Government must place the proposed law on the Statute Book permanently.

Mr. Y. V. MUNISWAMI IYER, who supported the bill, regretted that the Government had not taken action on the representation made by Mr. R. P. Rajanna at the previous session of the Assembly that a special law like this should be passed. Unfortunately, the Government had replied that such a law was not called for. If only that representation had been accepted and necessary action taken, the situation would not have worsened as it actually had. Generous sympathy on the part of the Head of the Administration was being mistaken by certain persons for weakness and mischief mongers were emboldened to do things as they liked. The speaker had reasons to fear that if such persons went scot-free, they would resort to violence and, if only the Arms Act were not in force, they would not hesitate openly to wage war with His Highness the Maharaja. As a matter of fact, they were even now speaking lightly of so benevolent and saintly a Ruler as His Highness the Maharaja and depicting the actions of Government in the darkest of colours.

The member then observed that in the name of Truth and Non-violence, they did most objectionable things. They defied local officers and instigated others to do likewise. They openly abused Government and their officers. In Byrapatna, for example, they pulled down trees newly planted by the Forest Department and removed fences around the gomal land in broad day-light, threatening with violence the forest guards who objected to the same That these incidents were true was evident from the fact that, when the cases filed against the offenders came up for trial, they openly confessed to having committed the excesses.

The kind of persons participating in such activities, the speaker said, were questionable characters who had no sustained means of livelihood. Such were also the people who sang the praise of Congress Administrations. Judged

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(15) 4695

by facts and figures, however, the relief given by those administrations to the poor agriculturist was nothing compared to that extended to the local raiyat by the Government of Mysore. The only two items of reform over which Congress Governments were priding themselves were the temple entry and prohibition laws But as against these, it should be borne in mind that the number of primary schools opened, drinking water wells provided, and other constructive work done by Congress Ministries, were nothing compared to the work that was always being done by the Government of Mysore for the good of the general tax-payer. But for such benevolent acts, Mysore would not have come to be called "Rama Rajya." And having gained such a distinction for the State, the Government of Mysore must adhere to the time-honoured policy of punishing the wicked and protecting the righteous. Proceeding, the member felt like requesting the Government of Mysore to revise the Jail Manual and the rules issued thereunder so that the preferential treatment given to political prisoners might be done away with and that they, like ordinary convicts, might be made to realise that jail life, after all, was not an experience to be aspired for. He also suggested that illiterate persons convicted of political offences should be given hard labour and detailed for work in connection with tank repairs and other public works.

Incidentally, he mentioned that it was rumoured that the Government were likely to come to an understanding with the local Congress and release all political prisoners, and remarked that if this was true, Government would be committing a grave mistake. He was convinced that, in the interests of law and order, it was necessary to place the proposed measure on the Statute Book permanently

Mr. Ballam SRINIVASA RAO welcomed the measure for the reason that obedience to law should be enforced under all circumstances, by any Government worth the name. Congress Governments themselves enforced implicit obedience to law, order and discipline. In this connection, he invited the attention of the House to the fact that Mr Subhas Chandra Bose, who was himself a past President of the Indian National Congress, had been subjected to very drastic disciplinary action at the hands of the Congress High Command for the reason that he did not respect Congress discipline.

Proceeding, the member said that Kolar had become the most unfortunate of all districts, on account of various things which were being engineered by the local congressmen The present subversive movement, he said, was most evident in that district, as was noticed in connection with the Viduraswatha Disturbances. Peace-loving citizens in that district were undergoing untold difficulties and would be the first to welcome the introduction of the special legislation under discussion.

As a matter of fact, at the previous session of the Assembly, members from the Kolar District had specially appealed to the Government to enact such a law; but the Government in their generosity had stated that there was no necessity for it, but that action would be taken if and when the same was called for. Particularly in a district like this where the gold mines were working and the number of labourers engaged was as large as 60,000 to 70,000—consisting mostly of outsiders—the consequences of not enforcing a law like this would be calamitous. The movement of which congressmen were proud lacked in leadership. It was now well-known how the leader at the Viduraswatha Congress sent a telegram to his own brother soon after the firing in which he was more anxious to say that he was safe rather than that so many people were dead. As was observed by *the Hindu* in its editorial note which appeared on the very next day, he should have been anxious to receive a bullet before even one single follower of his was hit.

Subsequent to those disturbances, the Congress leaders organised another agitation in connection with constitutional reforms. They had exerted pressure on several members to resign their seats on the various public bodies including the Reforms Committee. Having done this, and for want of any higher

Karnataka State Archives
No. (15) 4695

ideal, they directed attention towards carrying on an agitation in the Kolar mining area. It looked as though their hope was that they might bring about in the mining area a tragedy similar to the one at Viduraswatha, in which case, with a view to appease the agitators, the Government might be anxious to confer substantial reforms. They did organise a strike in the Gold Field area and held meetings attended by as many as 8,000 people. It was a matter for congratulation that, in dealing with that situation, the District Magistrate and the Police Superintendent conducted themselves in a commendable manner. The agitators having failed of their purpose in the mining area, established a centre at Bowringpet and from there they began to instigate bad characters to join them. The leaders were imprisoned, but the agitation itself did not stop. But the followers were untrained and altogether unaccustomed to the high principles and noble ideals of the Congress. Some of them were also men with no regard to Congress methods. A certain batch of persons who had proposed to defy the law and who had marched all the way from Bangalore, did not go straight to the gold fields, because they were not prepared to be arrested all at once; they went by train from Bowringpet to Oorgaum, and went to the mining area only in small batches, crying different slogans on the way, according as it suited local conditions and circumstances—"Mahatma Gandhi-ki-jai" in some places, "Musalman-ki-jai" in certain others, and "Coolies-ki-jai" in yet others.

The mischief and havoc played by the agitators remained practically unchecked, until at last, when the emergency law was enacted by Government two months ago, the law-abiding subjects actually heaved a sigh of relief. Among persons who were arrested under that Act were to be found men who courted prison for want of means of living and men with previous convictions to their credit. Even the khadi caps which they wore when they arrived at the scene of action were not their own. They had absolutely no stake in life. Was it not better, the speaker asked, that such men were kept under check? He was surprised to find a few members of the House saying that the law under reference was unnecessary, so much as to imply that congressmen and their activities should go unchecked. In Madras, the Congress Ministry had taken drastic action against certain persons who said that Hindi should not be promulgated at the cost of the mother tongue. The agitators there had not taken to incendiarism, nor cut down trees, as the so-called congressmen in Mysore had done. Such being the case, when open defiance of law came to notice, the Government could not but take all necessary action to deal with the same. In this view, he had great pleasure in supporting the bill under reference.

Mr. B. L. BYANNA was of opinion that no drastic action was called for in connection with the present agitation. No doubt, the special law had been in force for two months and more than a thousand persons had gone to jail; but there was hardly a person of worth who was leading the movement and barely any of those in jail was a true congressman. It was a feeble organization and no special law was needed to suppress it. Secondly, the present agitation was a blessing in disguise. If everything had been quiet and normal, the reputation of the State would not have spread far and wide. As a result of the agitation, the eyes of all men of note outside the State had turned towards Mysore and on actual verification of facts, they had come to know that the state of affairs here was thoroughly satisfactory. This, the speaker said, was a matter of satisfaction to the Government rather than of anxiety. Thirdly enacting a special law would confer undue importance on the agitators, whereas without such a law, the agitation would soon die a natural death even within the next four months for which the emergency law already enacted would remain in force. Fourthly, the Government of Mysore was always reputed for its sobriety, so much so that Mahatmaji himself had recently advised the Dewan of Travancore to follow the example of Sir Mirza Ismail the Dewan of Mysore. And if the proposed law was enacted as a permanent

measure, that enviable reputation which Mysore enjoyed for so long would suffer. Mahatmaji had also styled Mysore as "Rama Rajya." In such a State administered by a statesman of international reputation, the enactment of the proposed law would not be a compliment to anybody. In the interests, therefore, of the reputation of the State, its administration and its legislature, the speaker thought that the law in question should not be enacted.

Mr. TIPPU SULTAN ALI KHAN supported the measure in the interests of the very reputation which some members appeared to value so much. The speaker was unable to understand how the reputation of the State would suffer if the proposed law was enacted. The reputation of the State would have perhaps suffered if the Government had proposed the law in the absence of any subversive activity. But at the present time, when loyal subjects of His Highness the Maharaja were being disturbed by congressmen, it was the duty of Government to punish the latter and enable the former to pursue their normal activities. Law abiding citizens would have nothing to fear even if the law was placed on the Statute Book permanently. A vast majority of the members of the Assembly were Hindus and they ought to remember the lesson of their great Epics—the Ramayana and the Mahabharatha—*viz.*, that the duty of kingship was to punish the wicked and protect the righteous. It was stated by some that the motive underlying all the present agitation was to secure responsible government. He for one did not know what responsible government meant, if it was not the kind of government which already prevailed in Mysore. And even granting that any reform in the form of the Government was called for, it could not be secured by disturbing the public peace and organizing agitation. His Highness the Maharaja who had graciously granted constitutional reforms so many times in the past, might well be trusted to vouchsafe further instalments as soon as he was convinced that the same was called for. Such a happy day would, if at all, be postponed on account of such agitations. In the interests of peace and good government, it was necessary to put down the agitation. For this reason he supported the proposal to enact the law under reference and appealed to all the members of the House to do likewise.

Srimathi D. SAKAMMA cited the instance of a conference of loyal citizens, recently convened in an extensive *pandal* at Kabbahalli, having been interfered with by intruders who traded on the fair name of the Congress. These intruders, she said, had been set up by certain interested and disgruntled persons who themselves remained in the background, and due to the disturbance caused by such persons, the conference could not go on at all. She added that it was likely that there might be other similar instances elsewhere and suggested that in order to prevent such occurrences, the Government should take necessary power and measures.

Referring to the provisions of the law, she said that these should be amplified so as to enable the Government to forfeit properties of the agitators and their leaders who sometimes transferred ownership to their wives and children just on the eve of participating in subversive activities.

Proceeding, she said that she was grieved to see that great leaders of the All-India Congress like Pandit Jawaharlal Nehru and Sardar Vallabhai Patel were repeatedly making references to "Repression in the States." It being a pretty long time since these leaders last visited Mysore, the speaker would invite them to do so again, study the present position at first hand and see for themselves whether there was repression here as was wrongly represented, or the Government were not too generous and considerate in their treatment even of political agitators. She said that by way of adhering to their time-honoured policy of punishing the wicked and protecting the righteous, His Highness' Government ought to take all the necessary powers. In this view, she accorded whole-hearted support to the bill under discussion.

Mr. K. N. PUTTANNA supported the bill and said that Government could well be trusted to apply its provisions

only in cases of absolute necessity and to the extent that the circumstances of each case warranted. This was what they had done within the past two months during which the law as an emergent measure was in force. There was no reason to apprehend, as some members did, that the reputation of the State would suffer if this law was placed on the Statute Book. The Congress Ministry in Madras which had passed the Criminal Law Amendment Act continued to enjoy the reputation of a high class administration.

The aims and objects which the local Congress was giving expression to were apparently plausible pretexts for their agitation. Besides, the erstwhile *Satyagraha* connected with Hamilton Buildings as well as the *Forest Satyagraha* which was now on, had made it plain that the Congress agitation had neither moral backing nor proper leadership, and that the higher ideals for which the so-called leaders said they were striving for were ideals which were already being practised by the Government of His Highness the Maharaja. And if responsible government was their real ambition the method of realizing it was certainly not what they were now pursuing. Nor was the time opportune for carrying on an agitation even for *bona fide* purposes. At a time when rains had held back, and the yield from land was so poor as to take the hearts away from the toiling agriculturists, the false hopes raised and promises given by irresponsible agitators in respect of relief in the matter of land revenue, and the false reports spread by them wich regard to the actions and intentions of the Government, naturally appealed to the ignorant and credulous people, and for a time, their confidence in the Government would be shaken and the duly constituted authority would be lowered in their estimation. It was therefore necessary for the Government to take special powers to deal with the present situation and to make it possible for the law-abiding subjects of His Highness the Maharaja to pursue their peaceful avocations. Almost everybody recognised that Mysore was "Rama Rajya" but few people seemed to pause and consider how far agitation against the Government could be justified in such a State. Even now, if only the so called leaders of the Congress would make up their minds to be true followers of Truth and Non-violence, there would be no need for the Government to enforce the law under discussion. But so long as they did not do so, there was no way for the Government except to enforce it. The speaker therefore thanked the Government for proposing such a law, which was quite necessary as a permanent measure and requested that its provisions be enforced with the necessary amount of rigour whenever situations like the present developed.

Mr. A. N. CHANNAMARE GOWDA, in further supporting the measure, observed that it was unfortunate that hundreds of innocent men were undergoing suffering on account of the machinations of a few selfish individuals, and if the innocent men had to be freed from their evil influence, it was necessary to punish such individuals. It was also true that loyal subjects of the State were now not free to pursue their peaceful avocations in the villages. In the name of picketing and prohibition, congressmen were cutting down toddy trees and doing violence in other ways things which ought not to be tolerated any longer. Mr. Byanna had hinted that the proposed law would be too drastic a remedy but that was an opinion which the speaker was unable to share. On the other hand, he was inclined to agree with the member from Channapatna who had suggested that jail life should be made harder than at present so that people would think several times before doing anything which might result in their being imprisoned. Otherwise the position would become very hot for people in the villages. Even at present, if people did not join the Congress, the leaders there would subject them to various hardships and indignities. The unfortunate men, he said, were seated on asses and taken round in processions. A case had to be taken to the notice of the authorities but they could not take action against the culprits since the complainants were unable to adduce sufficient evidence. The proposed law

alone would help the innocent and loyal subjects who were at present subjected to untold difficulties by the so-called Congressmen.

Mr. H. K. MADIAH was strongly in favour of the proposed law. He said he was sorry that whereas the All-India Congress was being led by such great men like Mahatma Gandhi and Pandit Jawaharlal Nehru, the Congress in Mysore could not find even a single leader of position and status. And as regards the followers of the Mysore Congress he said that their acts were open to serious objection and deserved nothing but condemnation. He referred to a certain conference of raiyats which had been convened at Keragod in Mandya Taluk, under the presidency of the Revenue Commissioner in Mysore but which had to be closed abruptly on account of serious interference from about a hundred mischief-mongers calling themselves congressmen. It was a matter for congratulation that the Police did exercise great tact and forbearance in dealing with the situation. The member then referred to another instance in which a few persons in Belakavadi in Malavalli Taluk wanted to make collections as for the local Congress, though there was no Congress Committee at that place at all, and when some of the people refused to pay, set fire to their houses. On account of such acts of violence the enactment of a special law had become absolutely necessary. Other instances of excesses committed by congressmen in Kolar District had already been brought to notice at the previous session of the Representative Assembly by a member of the House (Mr. R. P. Rajanna) in connection with his request that a law like this should be enacted. In Magadi Taluk, congressmen had prevailed upon a number of the speaker's tenants to give up cultivating his lands, because in their opinion, he was a supporter of the Government. The member referred to a certain printed hand-bill, a copy of which was in his hand at the moment, and of which the language was most objectionable and the subject-matter most unfair and of a personal nature. He then observed that congressmen were fond of saying that they wanted prohibition but he questioned their sincerity even in that behalf, because as a matter of fact, they were allowing excise sales to go on in certain shops, confining picketing only to certain others Another object which congressmen had in view was a reduction in the land revenue rates, but even on this point, the speaker felt that there was nothing for them to complain about, since the rates prevailing in Mysore, were much lower than those in Kollegal and other tracts adjoining Mysore. Thus, the proposed law was really necessary and the speaker wholeheartedly welcomed it.

Mr. Bhupalam R. CHANDRASEKHARAYYA was not in favour of the proposed law being enacted as a permanent measure. But he had no objection to the law being availed of as a measure of emergency. In developing on this idea, he observed that never before in the history of the Representative Assembly were elected representatives of the people called upon to discharge a responsibility so great as that attaching to the legislation under discussion. The question directly affected the rights of citizenship and in this view, this bill was perhaps the most important among those that ever came up for consideration at the hands of the Assembly. It was therefore necessary that members should discuss this question with the greatest sense of responsibility. From the discussion which had so far taken place, he thought it necessary for him to appeal to the members of the Assembly to bear in mind that it was not so much the sins or errors of local congressmen that they were dealing with as some way of enabling the Government to deal with a situation which had developed in recent days. It was essential that members should express their views on such a question without fear or favour.

In this connection the member thought that it might be useful to take a brief *resumé* of the origin and development of the situation which had culminated in the enactment of the special law under reference. Certain publications issued by the Publicity Department of the All-India National

Congress showed that Sardar Vallabhai Patel and Acharya Kripalani had come to Mysore and brought about a 'pact' between the Mysore State Congress and the Government of Mysore; but that subsequently the Government of Mysore had acted contrary to the terms of the pact, as a result of which a conflict ensued between the local Congress organization and the Government of the State. This question was considered by the Working Committee of the States Peoples' Conference, of which Pandit Jawaharlal Nehru was President. The main complaint against the Government of Mysore from the All-India Congress point of view was that the Government had not rescinded their orders of deportation against certain individuals. That was the reason why the States Peoples' Conference thought that the Government of Mysore had not respected the terms of the agreement. That was also one of the main grievances on the part of the local Congress Committee. It was true, the speaker stated, that the order of deportation against Mr. Gupta was about to be withdrawn by the Government in August 1938. But unfortunately, the local Congress, instead of bringing its own weight to bear upon the Government, issued an ultimatum to Government that non-co-operation would be resorted to unless the said order was withdrawn within 24 hours. The only reply of Government to that attitude of the local Congress was to postpone withdrawal of the order to a subsequent date. The Congress did resort to non-co-operation and induced its followers to resign their membership on the various public bodies. Accordingly, members of even the more important bodies like the Legislative Council, the Representative Assembly, the Constitutional Reforms Committee, also resigned. But that action of the local congressmen did not receive support from Sardar Patel or any other responsible leader of the All-India Congress. In fact, Sardar Patel definitely stated that he had not been consulted in the matter and that, even if he had been consulted, he would not have supported the proposal.

In connection with the part played by Sardar Patel in restoring good understanding between the Government and the local Congress, the question had been raised by one of the members at the previous session of the Mysore Representative Assembly as to whether there was a pact or agreement between the Mysore Congress and the Mysore Government and if so, whether either of the parties thereto had acted contrary to the terms thereof. The speaker felt it necessary to refer to this question as, in his opinion, it formed the background to the question now at issue. But in reply to that question, the Chief Secretary to Government had stated that there was no agreement whatever and that the Government Order dated 17th May 1938 had finally disposed of the questions then under consideration. But at the recent session of the Legislative Council, the same question had been raised and the Dewan had clarified certain points not covered by the reply of the Chief Secretary as furnished in the Representative Assembly. At the time when the question engaged the attention of the Legislative Council, the speaker himself had been away at Bombay. And he then gathered that the leaders of the All-India Congress were of the opinion that the Dewan of Mysore had not conformed in spirit to the understanding which had been effected with the help of Sardar Patel and Acharya Kripalani. For this reason the speaker appealed to the Dewan to make a further statement clarifying certain points. The first of them was whether, with respect to the statement of the Dewan made at the Legislative Council, the objection of the Government was confined only to the use of such words as "pact," "treaty," etc., with reference to the settlement effected by Sardar Patel in May 1938, of the points of difference between the Mysore Government and the Mysore Congress or whether the Government denied that any such settlement was at all effected through the efforts of Sardar Patel and Acharya Kripalani.

The FIRST MEMBER (Rajamantrapravina N. Madhava Rau) replied that the Government Order itself was the settlement.

Mr. Bhupalam R. CHANDRASEKHARAYYA then raised his second point, *viz.*, whether the Government Order of 17th May 1938 was published with a view fully to implement the terms of the settlement, as observed and appreciated by the Indian National Congress Working Committee in their resolution passed in Bombay during May 1938, or whether the order was quite independent of any such settlement.

The PRESIDENT replied that the order was issued to give effect to the intentions of Government.

Mr. Bhupalam R. CHANDRASEKHARAYYA asked whether he could take it that the order was issued to implement the understanding reached.

The PRESIDENT stated that it was so.

Mr. Bhupalam R. CHANDRASEKHARAYYA then raised a third point, *viz.*, whether even with respect to the Government Order of 17th May 1938, it was the point of view of the Government that excepting this order, there was no other document which might in any way be described as a "treaty" or "pact," etc., between the Mysore Government and the Mysore Congress and whether, by the last statement made by the Dewan in the Legislative Council, the Government did in any way cancel or rescind that order.

Mr. N. MADHAVA RAU stated that the several questions had been discussed and when decisions were arrived at, Government implemented the same. But Government could not say that there was any document other than the Government Order referred to.

Mr. Bhupalam R. CHANDRASEKHARAYYA again asked whether the Government Order was issued as a result of the settlement mentioned.

Mr. N. MADHAVA RAU replied that it was issued as the result of a discussion and that the settlement itself was contained in the order.

Mr. Bhupalam R. CHANDRASEKHARAYYA thanked the Government for all their replies. Proceeding, he referred to another point mentioned by certain All-India leaders, *viz.*, that the President of the Mysore State Congress sought an interview with the Dewan of Mysore, but that an interview was not granted, and that the present situation in the State had developed as a result of that refusal. The speaker hoped that the situation might be considerably eased even now, if only the Dewan clarified that point also. He took it that the interview sought for was in connection with constitutional reforms and that at that time the report of the Reforms Committee had not reached Government. He wished to know the present attitude of Government, now that the report was in their hands. A forecast of the recommendations of the Reforms Committee had long since appeared in the Press and there was a genuine feeling on the part of the subjects of the State that any reform short of establishment of responsible government in the State would be inadequate. Personally he felt that the present agitation was a direct result of that dissatisfaction on the part of the State subjects. It might be that Government were somewhat embarrassed by and displeased at the agitation which was going on, but the agitation itself need not constitute a reason for withholding reforms. In the interests, therefore, of the well-being of millions of His Highness' subjects, he would appeal to the Government to take a liberal view of the main question at issue and grant the fullest possible measure of reform which present circumstances warranted. He perfectly agreed that the Dewan did well in refusing the interview to the President of the Mysore State Congress, because the letter asking for the interview was worded in a most objectionable language. But after the report of the Reforms Committee was received by Government, the situation had considerably changed and the stage had arrived for Government to pass orders on the momentous question of reforms. Before passing such orders, however, the Government would do well to meet representatives of the several groups within the Constitutional Houses of the State and other leaders of public opinion and after taking their views into consideration to grant reforms on a generous scale. If only the Government saw the reasonableness of

this request, the speaker hoped that a great change would come over the State and that the need for passing emergency legislations would disappear. Meanwhile, however, he would have no objection to the Emergency Act being passed, purely as a temporary measure. The present situation no doubt, was a poor compliment to the reputation enjoyed by Mysore. An earlier speaker (Mr. H. K. Madiah) had referred to a certain printed pamphlet, the language and subject-matter of which were altogether objectionable. The speaker himself had the misfortune of looking into that pamphlet. Other members of the Assembly also had seen it. There could be no gainsaying the fact that pamphlets like that could do nobody any good. The contents of the particular hand-bill under reference were as untrue as out of taste. Followers of Truth and Non-violence would certainly be grieved to see such stuff emanating from congressmen and to find within the Congress ranks, men who could stoop to write and circulate such literature.

Mr. Y. V. MUNISWAMI IYER interrupting, asked whether the speaker was prepared to grant that the pamphlet referred to had been circulated by members of the Mysore State Congress.

Mr. Bhupalam R. CHANDRASEKHARAYYA replied in the affirmative and added that he would never countenance such acts on the part of any one, be he a congressman or not. In fact, he was prepared to go so far as to say that Truth and Non-violence were being respected by the police more than by individual congressmen participating in the present agitation. He said this because he was aware that even when the police had to deal with crowds, they exercised great restraint and forbearance.

While on the question of use of force, the member brought to notice, incidentally, that complaints were becoming somewhat frequent, particularly in the Kolar District, that the police were treating with scant courtesy, and even roughly handling, persons arrested in connection with the present agitation. Indeed, it was stated that a number of persons under arrest were being actually beaten. The speaker himself was not aware how far these complaints were true, but he requested the Government to make searching enquiries with a view to putting an end to such things, if true.

Resuming the question of emergency legislation, he said that such legislation might be justified, as already stated, only as a temporary measure. He was hoping that very soon responsible government in Mysore would become a *fait accompli*, and in that view, he thought that there was no need for such a measure to be placed on the Statute Book permanently. Speaking of responsible government he was reminded of an observation made by one of the earlier speakers (Mr. T. S. Ali Khan), *viz.*, that Mysore was already having responsible government. That member had justified his statement on the ground that Mysore already enjoyed the benefits of a constitutional government. That being so, the speaker hoped that the former would also agree that constitutional government, in its full fruition, could only mean responsible government.

Supporters of the bill under discussion had quoted instances of the Congress Ministry in Madras having availed themselves of the provisions of the Criminal Law Amendment Act. But members of the Mysore Assembly could not forget at the same time, that the Congress Ministry had, for that very reason, exposed themselves to scathing criticism at the hands of the general public. Without going in any detail into the merits of the present bill, the speaker would only point to the possibility that if the legislation was to be enforced as a permanent measure, even those asking for the establishment of responsible government might be proceeded against and put in jail. This, he hoped, was not the object of Government but it would become possible under the proposed law. This was why he had to oppose the measure. No doubt, Government were faced with a difficult situation. But as already stated by more than one member, even without this bill, Government could take all

necessary action to deal with any situation as and when it developed. This was another reason why the Government need not proceed to place the legislation permanently on the Statute Book. The Emergency Act had already been passed, and it was going to be in force for another four months within which the Government would be free to take any action that might be considered necessary for effectively dealing with the present unhappy situation. There was no reason to suppose that the situation might continue to be tense even after four long months. For these reasons, he did not feel that there was any necessity to lend permanence to such an extraordinary piece of legislation as this.

Mr. J. ASWATHANARAYANA RAO strongly supported the proposed measure. He was sorry to find that some members of the House seemed to be under the impression that this law was designed to suppress one particular political organization, *viz.*, the local Congress. He would request such members to remember that this law was designed to deal with all subversive activities and to restore law and order throughout the State. He was convinced that there was a real necessity for an enactment of this kind, that it was desirable to place it on the Statute Book permanently and that it was not unduly severe. The several incidents referred to by some of the previous speakers constituted sufficient justification for enacting a special law, though they were only a few of the many incidents which had occurred in various parts of the State. It was unfortunate that the agitation was at its height in the Kolar District in which the Viduraswatha Disturbances also had taken place. After reading out a number of extracts from the speeches made by the so-called leaders of the Congress, as published in the Viduraswatha Committee's report, the member remarked that such speeches were sufficient to invite ignorant folk to open defiance of law and disobedience to duly constituted authority. The speeches would lead any right-thinking man to the conclusion that Congress leaders in Mysore did not hesitate whenever they could do so, to exaggerate matters and misrepresent facts with a view to playing upon the sentiments of credulous people and rousing them to open revolt. Such a state of affairs could by no means add to the reputation of the State, and if it should be adequately dealt with and public peace and tranquillity should be secured, the enactment of the law under discussion was an absolute necessity. If, therefore, members of the Assembly did not support the bill, the speaker was of the opinion that they would not be discharging their duty by the State and the loyal subjects of His Highness the Maharaja. The question of enacting a special law like this had been considered at a previous session of the Assembly and the Government had stated on that occasion that they would not hesitate to take all necessary action to deal with the situation if it worsened. The situation at present, the speaker said, had definitely worsened and it was the duty of Government to deal with it with a strong hand. In this connection he paid a warm tribute to the present Deputy Commissioner of the Kolar District who was taking very prompt and effective action to book law-breakers. After testifying to the truth of the incidents referred to by a previous member (Mr. Ballam Srinivasa Rao), the speaker added that a number of inflammatory speeches had been made by Congress leaders in a certain park in the Gold mining area, bearing the name of Prince Jayachamaraja Wodiyar. If the leaders were loyal to the Royal family, as they professed to be, they would not have made such objectionable speeches, particularly in an important place of that kind. The mining area was the property of the Government of Mysore, the Mining Companies occupying the position, more or less, of tenants, so that the Government, whose position corresponded to that of a landlord, were bound to give all reasonable protection to the companies in order that they might pursue their mining operations without any hindrance or trouble from others. In the light of these reasons, the speaker appealed to the House to extend its wholehearted and unanimous support to the law under discussion.

At this stage, the Assembly rose for lunch and reassembled at 3-30 p.m.

Mr. MISRILALL PARASMALL said that though he had great faith in the Congress and its programme of constructive work, he could not help supporting this bill seeing that local congressmen were proceeding on wrong lines. He was convinced that the necessity for enacting a law like this had been forced on the Government and that the blame for proposing it should be taken by congressmen. He requested the House to lend to the bill its unanimous and wholehearted support. He was not in favour of the suggestion made by one or two members that Government might wait and see whether they could not do without such a drastic law, since he knew that in the absence thereof, life and property would be endangered. For having proposed this law in the interests of the safety of life and property of the subjects of the State, he sincerely thanked the Government. With regard to the apprehension which a few members seemed to entertain that this law would be placing unlimited powers in the hands of the Government, the speaker felt that people with an idea of the benevolent intentions of His Highness' Government and the present Dewan need have no such fears. At the same time, he requested the Government to instruct officers of the Police and the Judicial Departments to make the minimum use of the provisions of the law and to enforce the same only in cases where they were absolutely convinced of the necessity for doing so. He also requested that officers should exercise their powers under the proposed law in such a way that the constructive programme of Congress work such as Khadi, Harijan Uplift and Prohibition, would not receive a set-back. He concluded with an appeal that the law in question should be passed only as an emergency measure and that it should not be placed on the Statute Book permanently.

Mr. Shampur PAPANNA was in favour of the bill, but he also did not see the necessity for placing it on the Statute Book permanently. He then referred to the origin of the Indian National Congress and said that its sole aim was to prevent foreign exploitation of the country. In Mysore, however, there was no such exploitation and so there was no necessity for anybody to organise or foster agitations like the one which was going on at present. But the agitation was going strong and Government had to enact the measure in the interests of public safety. This was why he was inclined to support it. Having said this, he requested the Government to see that the rank and status of police officers who would be allowed to exercise powers under the Act were fixed sufficiently high.

Mr. L. VEMA REDDY thanked the Government for placing this bill before the Assembly. From the discussions which he had with a large number of members of the House for two days, he had ascertained that the bill would be supported by every right-thinking man. He had also come to the conclusion that the present was the most opportune time for enacting a measure like this. He felt that Government had acted wisely in not acceding to the requests made earlier to the effect that such a law should be passed. If they had acted on such requests ere now, he feared that Government would have exposed themselves to the charge that they had overshot the mark. But now, responsible persons were seeing for themselves that the situation had definitely grown worse and if order was to be restored, special powers should be taken by the Government. He was sure that no law-abiding citizen, even if he was a true congressman, would have anything to fear from this law. At the same time, everybody would agree that persons who broke the law or participated in subversive activities ought to be punished. It was unfortunate that the fair name of the Congress was being exploited by selfish and disgruntled persons and several innocent people were being misled and exploited and they stood in dire need of protection. This was all that the law under discussion sought to do. It was not true that this law was directed against the Congress in particular. On the contrary, it would serve the Congress better, since it would purge the Congress of its evil

elements. It would also purify public life in the State. These were ideals which Mahatmaji himself valued very highly. So, there could be no objection to passing the law in question.

Speaking of the state of affairs in Mysore, the member observed that there could be no justification for agitations like the present in the State, because there was a perfect identity of interest between the Ruler and the ruled, and representatives of the people were in a position to bring all their wants and grievances to the notice of the Government and get redress promptly. Such facilities, the speaker said, did not exist in most other States and Provinces of British India. Others who had travelled far and wide had observed that with a salubrious climate and a splendid Government responsive to public opinion, Mysore was indeed a happy State. Subjects of the State were thoroughly satisfied with their Government and altogether proud of their Ruler. The Premier of Bombay, the Hon. Mr. B. G. Kher, who visited a number of villages in Mysore only recently, was struck by the roads, parks and play-grounds in all the interior parts of the State and was pleased to say that cities and towns in British India were not served so well as villages in Mysore and that in such a State as this, there could possibly be no need for any kind of agitation whatever. Still, if the so-called leaders went on dinning wrong ideas into the heads of credulous people, naturally feelings would be stirred; and if inflammatory speeches were delivered before men so prepared and misled, emotions would necessarily run high and find expression in the shape of organised agitations like the present. In such circumstances, it would become the duty of any Government in power to deal with the leaders effectively so that the situation might be brought under control. Such a position had really arisen in Mysore and incidents such as those referred to by an earlier speaker (Mr. Ballam Srinivasa Rao) ought to be sufficient for the House as a whole to realise the absolute necessity for the law under discussion. For these reasons the speaker had great pleasure in supporting the bill.

Mr. D. VENKATARAMANAPPA referred to the several directions in which present Dewan was striving so successfully to ensure the prosperity and contentment of His Highness' subjects, so that right-thinking persons could not support the agitation which was being carried on in the State. Despite such agitation, the Government had not so far thought of enacting a law like this. But it had now become absolutely necessary for them to do so because the present situation was definitely bad. In connection with what was known as the "Nariman Disturbances" and the incidents that followed, some young lives had been lost and their old parents were rendered helpless. If such calamities should be averted in future, the special law under discussion would be absolutely necessary.

The member was not able to support the view expressed by an earlier speaker (Mr. B. L. Byanna) that the proposed law with all its stringent provisions, was not warranted by the present situation. On the contrary, he thought that the situation was bad enough to warrant the most stringent law being enacted. As an instance in point, he referred to some irresponsible youths misled by the so-called leaders, having broken a number of dome lights in streets and public parks on occasions when meetings were organised in the name of the local Congress. The leaders themselves might not be committing such excesses, but some mischievous persons posing as congressmen were actually doing so. These, he said, ought not to be tolerated. A few earnest congressites there were, no doubt, but their imitators were many and they indeed were the source of all disturbance and danger to public peace and tranquillity. It was to keep them under check that the proposed law was designed, and the speaker had great pleasure in supporting it.

Lokasevaniratha Bale SIDDALINGA SETTY was sorry that circumstances had necessitated the enactment of a law like this and feared that law-abiding citizens might be subjected to untold difficulties if its enactment was delayed any longer. The benevolent intentions of the Government of Mysore had been

recognised the world over. and it was to be regretted that in a Model State, certain people should be engineering agitation. The proposed law was quite necessary for putting down the agitation, but no law would serve its purpose unless strict instructions were issued by the Government to the district officers to the effect that the application of its provisions should not be entrusted to smaller officers of the Police Department. Subject to this, the speaker gave unqualified support to the bill.

Mr. B. CHAMIAH, however, opposed the bill on the following grounds :—

(*a*) the existing laws were sufficient to deal with all situations ;

(*b*) once a special and stringent law was enacted, the powers exercisable under it would gradually pass into the hands of smaller officials and that would result in additional hardships to law-abiding subjects of His Highness the Maharaja ; and

(*c*) an extraordinary law like this would not bring credit to a model administration like that of Mysore.

Mr. Rayara KEMPANNA feared that the proposed law would prove to be too dangerous a weapon and hurt not merely the person aimed at but the user himself. Secondly, with regard to police reports, it could not always be said that a person reported against was really an undesirable or that all those not dealt with in such reports were thoroughly loyal subjects. Thirdly, if once such a stringent law was enacted, subordinate officers might take advantage of it and bring to book anybody who might not fall in or co-operate with them even in smaller matters like municipal administration. Thus, the proposed law, while seeking to punish bad characters, would subject even innocent persons to hardship. Fourthly, the Government had sufficient powers already for dealing with the present situation, so that a special law like this was really not called for. It was said in justification of the proposed law that if it was not enacted, a great many persons would be misled and that serious consequences would follow. Personally, the speaker did not agree in that view. After all, reason weighed with the majority of people and even uneducated persons had sufficient common-sense to guide them. For example, the local Congress leaders tried to induce all Congress members of the Assembly to resign their seats, but very few of them had done so. Fifthly, the Emergency Act had already been passed by Government and would remain in force for another four months. The speaker had every hope that the situation would ease by then and there would be no need thereafter for enforcing the stringent provisions of the law in question. For these reasons he opposed the bill under discussion.

Mr. S. C. MALLIAH, supporting the bill, regretted that the introduction of such a measure should have become necessary in such a progressive State as Mysore in which a number of ruling princes were receiving administrative training. The speaker had the greatest respect for the Congress and its true followers, coming as he did from the place in which the first conference of congressmen all over the State had been held in an admirable manner and knowing full well the noble intentions and high ideals of the great organisation called the Congress. But he was also personally aware that certain wrong type of persons were calling themselves congressmen and were conducting themselves in the interior parts in objectionable ways. From the point of view of the Congress itself, its fair name would suffer if its leadership was left in the hands of untried and inexperienced persons.

The previous speaker had characterised the proposed law as too dangerous a weapon to be lightly handled by anybody. The speaker asked whether it would be a sharper weapon than *Satyagraha*. Mahatma Gandhi himself had stated that *Satyagraha* was so sharp and difficult a weapon that he alone was competent to handle it and even the best tried among his followers was not yet competent to use it. Secondly, the situation in Mysore at the present day had so far worsened that open disobedience to law and defiance of authority had become a common affair and unless this was effectively stopped, the prestige of the

Government as well as the reputation of the State was sure to suffer and public safety also endangered. When public safety was endangered, the Government could not sit with folded hands and shirk their responsiiblity for restoring law and order.

With regard to the point urged by some earlior speakers that whatever action was called for could be taken even under the laws already existing and that therefore there was no necessity for enacting a special law, he observed that any number of laws would not harm anybody if the punishments contemplated under them were such as could be meted out even under the existing laws. The fact of the matter was that there was a special purpose to be served by this law which could not be served by the existing laws, *viz.*, that cases could be disposed of with due expedition, whereas under the ordinary laws, the formalities prescribed would involve considerable delay. For this reason, the speaker had no doubt that the proposed law was both necessary and desirable.

The member then referred to the inadvisability of carrying on an agitation in the State in which the Government sympathetically heard all representations from the public and promptly provided every possible relief. Even in regard to the political progress of the State, he said that His Highness the Maharaja would certainly confer whatever reforms were really called for from time to time. In this view the speaker hoped that better counsels might yet prevail among the local Congress ranks and that those engaged in carrying on the agitation would in future so conduct themselves as to enhance the reputation of the State of which everybody had just reason to be proud.

Having said this, he also appealed to the Government to instruct their officers to make the minimum use of the proposed law and exercise their powers under it with very great care and caution, so that no law-abiding citizen would have any ground for complaint. He felt that even if a single loyal subject of His Highness was subjected to any hardship as a result of the special law, it could not be justified.

KHAJI SYED YUSUF SAHIB observed that the first responsibility of any Government was to maintain law and order as a return for the taxes paid by its subjects. Therefore when a set of people were disturbing the normal activities of law-abiding subjects, the Government must take necessary action to keep them under check. And if the ordinary law of the land did not give them powers enough to deal with such persons, the Government had necessarily to take recourse to special legislation. Otherwise, disturbances might occur and many innocent lives might be endangered. This was what threatened to happen in Mysore if the present agitation was not immediately put down. Particularly in the villages, strong action by the Government was called for urgently. No doubt, congressmen were fond of saying that they organised only peaceful meetings for *bona fide* purposes, but the fact remained that at every one of such meetings, they were spreading disaffection and talking sedition; misrepresenting the actions and intentions of the Government and giving exaggerated reports of the various items of expenditure incurred in the interests of the public, purposely ignoring the progress achieved under Education, Medical Aid, etc. The revenue derived from land-tax was fully utilised under Education and Medical Aid together, so that all the expenditure on other utility departments was being found by the Government from other sources. And yet, congressmen were never tired of telling the credulous public that all the land-tax paid by the starving millions was being wasted upon useless things in the cities or that it was being distributed among the Dewan and his colleagues. Particularly in the Chitaldrug District, congressmen were cutting down date trees, from which not merely toddy was being extracted, but several other articles were being prepared. It was the duty of the Government to take steps to put down such activities. The trouble with the movement at the present moment was that most followers of the Congress in

the State were mere hirelings. They were not really congress-minded people. They did not know and could not appreciate the high ideals for which that great organisation stood. The local leaders made all sorts of vague promises to innocent persons who, being carried away by such promises, became their followers, at any rate, for the time being. If only the villagers could exercise their independent judgment, the leaders would have had no following whatever. Large numbers of people had no doubt gone to prison in connection with the present agitation, but none of the persons in jail knew what the agitation aimed at or what responsible government meant. The only reason why they participated in the agitation was that they had not been given jobs, and they did not know the consequences of what they were doing. That was a sufficient indication that ignorant people were being misled. In the interests of such people and of the maintenance of law and order in the country, the present legislation was quite necessary.

One member (Mr. Mayi Gowda) had remarked that this Act would be too drastic for dealing with the present situation, but the speaker thought that it would serve a very good purpose in acting as a deterrent to persons who might otherwise be led astray.

For all these reasons he supported the bill under discussion.

Mr. ALFRED MIDDLETON, also supported the bill under discussion. He did not agree with some of the previous speakers who had supported the bill subject to the condition that it should not be placed permanently on the Statute Book. He was of the opinion that if the bill was good for the present, it ought to be good for the future too. He also could not understand why certain members should be apprehensive that if vast powers were vested in Government, they might be misused. Personally he felt that in the case of a benign Government like that of Mysore, any amount of power could safely be vested in them. He reminded the House of the motto adopted by the Boy Scouts, *viz.*, "Be Prepared" and observed that the proposed law was something in the direction of acting up to that motto, *i. e.*, that Government were merely taking power to deal with abnormal situations. It would not be possible for the Government to seek special powers to deal with an unhappy situation if ever it developed at a future date. As a precautionary measure, therefore, it was well that the Government got the proposed law placed on the Statute Book permanently. Law-abiding citizens would have nothing to fear from such a law, and with this assurance the House might safely support the bill under discussion wholeheartedly and unanimously.

Mr. K. VENKATARAMIAH congratulated the Government on proposing the enactment under discussion. With reference to the points urged so far against it by certain members, he said that so long as everybody was agreed that breakers of the law of the land should be punished, there was no reason why the House should not support the enactment unanimously. There could be no doubt that agitations like the present would lower the reputation of the State. It was unfortunate that the leaders of the agitation were trading upon the fair name of that great and noble organisation—the Indian National Congress. Persons with no stake in the State or in life joined the ranks and almost anybody wearing a white cap passed for a great patriot. Few men paused to think what exactly was the point of agitation now carried on in the State. There was a saintly Ruler guiding the destinies of the State and an equally well intentioned and responsive Government carrying on the administration. In a State like this, therefore, no agitation was called for or could be justified. If in spite of such a position agitators created trouble, the Government would be bound to put down the agitation and book the miscreants. Punishing the wicked and protecting the righteous was the foremost duty of the Government and in this view, the proposed law was absolutely necessary. He therefore had very great pleasure in supporting the bill.

Mr. S. SORAPPA said that round about his place (Sira Taluk) the bulk of

the population was Muslim, and Muslims did not participate in any political agitation. Unfortunately, however, the headquarter of the satyagrahis had been shifted from Tumkur to Sira and nearly 200 satyagrahis had come over to the latter place and every day a certain number of them were breaking the law and courting arrest. Recently, some of them cut toddy trees and triumphantly took them in procession in that town. It was clear that the agitators had no respect for authority and no fear of the Government. To teach them a lesson and to protect peace-loving subjects, the proposed legislation was really called for. He was somewhat surprised at the observation made by Mr. B. L. Byanna that if this law was passed, the reputation of the Government would suffer. On the other hand, the speaker felt that their reputation would be enhanced by the enactment of this law. For this reason, he welcomed the law in question.

Mr. B. SRINIVASIENGAR admired the forbearance of the Government of Mysore in having so far deferred the enactment of the law in spite of the fact that the Shivapura Flag Satyagraha and the Viduraswatha Disturbances would have been sufficient justification for it. His admiration had grown all the greater because they had not availed themselves of even the recommendation of the Viduraswatha Disturbances Enquiry Committee that the enactment of such a law was desirable. Unfortunately, however, in recent months, things had so shaped themselves and misguided youths had committed such acts that action in this behalf could no longer be deferred. It was pretty clear that the agitation would gain strength and become more widespread if the law was not enforced promptly. The agitators could not be dealt with adequately unless the special powers as proposed were taken by the Government. Secondly, such situations might develop at any time and it was therefore desirable that such powers had some permanence about them. Thirdly, in the agitation known as Hamilton Building Satyagraha as well as in connection with the present agitation itself, only men from the cooly classes and school boys who alone were the followers, were arrested and the leaders themselves remained in the background and went scot-free. It was not likely that such agitations could effectively be checked unless the leaders themselves were booked. For this purpose, the ordinary law of the land was not sufficient and this was an additional reason why the speaker considered the measure under discussion quite necessary. For all these reasons, he supported the bill.

Mr. G. S. SUBBA RAO, who opposed the bill, made a preliminary remark that he did not agree with certain members of the House who thought that the law under discussion aimed in particular at putting down Congress activities. The statement of the general principles did not mention Congress activities; it only referred to the activities of "a certain section of the public." The members who opposed the bill on that ground were doing so under a misapprehension.

But the reason why he opposed the bill was quite different. Mr. Bhupalam Chandrasekharayya was perfectly right in observing that members of the Assembly should express their views and opinions on this question with a due sense of responsibility. If this law was once passed in a hurry, occasions might arise in future when even honest men would be subjected to severe hardships. It was not desirable that the House should pass such a law and then make representations to the Government to provide relief if and when trouble arose. There could be no doubt that agitations like the present must be suitably dealt with by those responsible for the maintenance of law and order in the State, but the point for consideration was whether the proposed law should remain in force only for the time being or as a permanent measure. He would have no objection if it was proposed to take special powers for dealing with a particular situation in a particular place. But if it was to be adopted as a permanent law, there would be nothing to prevent any of the proposed wide powers being delegated, in course of time, to even smaller officials like

Sub-Inspectors of Police. He instanced a recent case in which certain congressmen had been charged for having cut toddy trees. The congressmen did not defend themselves, but the others did adduce evidence to show that they had never committed the offence and that they had not even gone to the scene of occurrence. Their defence was not admitted and the police version was fully relied upon by the trying Magistrate. The speaker feared that similar things might happen even under the proposed law. For this reason, he requested the House to take time and consider the desirability of passing such a stringent law as a permanent measure.

Secondly, he referred to the possibility of even cases falling under Section 506 of the Criminal Procedure Code being dealt with under the proposed law, in which case, considerable hardship would be caused to the accused. Again, the law would place almost unlimited powers in the executive taking advantage of which, local officials could wreak vengeance against any persons who might not have the good fortune of being in their good books. Lastly, the scheme of separation of judicial and executive functions was not yet complete in the State, and some of the executive officers still enjoyed the power to keep a person in custody for fifteen days and the power to declare an offence under Section 506 of the Indian Penal Code a non-bailable offence. So long as such powers were vested in executive officers, it would be dangerous to place extraordinary laws like this on the Statute Book. For these reasons, the speaker was not in favour of the proposed enactment, if it was meant to be enforced in all parts of the State and if its application was to be unrestricted.

Mr. G. MALLANNA endorsed the views already expressed by several members in support of the bill. He thought that the best way of preventing the spread of the present agitation into the village parts would be to announce fresh elections to the Constitutional Assemblies of the State, so that the minds of the agitators might be diverted. Vast numbers of law-abiding people in the rural parts had just begun to experience trouble as a result of the agitation which was going on and he feared that serious consequences might ensue unless the proposed Act was promptly enforced, wherever necessary, to put down such agitation.

Mr. MIRZA AZIZULLA BEIG welcomed the proposed law as a precautionary measure to be enforced in times of need. Drastic diseases required drastic remedies. Whenever an epidemic broke out, inoculations would be started briskly to prevent its spread. So also in the political field, immediate action was necessary to deal with sudden outbreaks. The proposed law was necessary from this point of view.

The speaker said he was not one of those who feared that the reputation of the State would suffer if this law was passed. It was always necessary to punish the wicked and this law was only a step in that direction. As Sawdy, the Persian Poet, said, he whose account was correct need not dread the strictest auditors. Similarly, law-abiding citizens would have nothing to fear from it.

The member also said that he was unable to share the opinion of Mr. Bhupalam R. Chandrasekharayya and a few others that the law might be tolerated for a short time, but not as a permanent measure. If, at any future date, conditions warranted the repeal of the law, there would be nothing to prevent the Government from proposing its repeal.

Mr. K. LAKSHMINARAYANA RAO stated that he was also convinced that the enactment under discussion was not directed specially against the Congress, and agreed that it was really not necessary to deal with the present situation. If however the existing laws were found inadequate for dealing with a particular situation, steps might be taken to amend them in necessary directions. He then referred to certain defects even in the proposed measure, such as the absence of a clear definition of certain terms like "unlawful assemblies," "notified places," etc.

Proceeding, he referred to the specific promise held out by Government at the previous session of the Assembly that

an announcement might be expected at no distant date on the question of further constitutional reforms in the State, and to the hope which had been raised that the report of the Reforms Committee would be placed before the present session of the Assembly. Far from fulfilling that promise or granting that hope, the Government had taken the Assembly by surprise by placing before it not the report of the Reform Committee, but a fresh enactment under which even the law-abiding subjects of the State might be denied their fundamental rights. In past decades, the Government themselves had taken the initiative to help the constitutional progress of the State and the speaker expected such a Government believe that the most effective way of putting down the present agitation also was by announcing a further measure of reforms so anxiously awaited by people in all parts of the State.

The PRESIDENT stated that even under the new law, nothing would prevent constitutional agitation and that the main object in view was to deal with situations like the present.

Mr. BALE GOWDA observed that as a result of the present agitation, an almost chaotic state of affairs was noticeable in rural parts. He stated that in a number of instances, the advice of elders was not being received by the youngsters in proper spirit, that even the normal agricultural operations were not being followed by youngsters and that misled youths were increasingly getting anxious to go to jails. It had almost become an infection among the youth whose tendencies were to join the present subversive movement, and do such objectionable things as cutting down standing crops, removing irrigation pumps, etc. It was the duty of the Government to put an end to such a hopeless state of affairs.

Mr. M. B. GURULINGIAH was also of the same opinion and requested the Government at once to enforce the proposed legislation in the interests of law and order. He also requested that persons who had already gone to jail in connection with the present agitation be kept in custody for a sufficiently long time and subjected to proper discipline and helped with some education with a view to enabling them to become respectors of law and order at least after their release.

Mr. NABI KHAN also supported the proposed law. He endorsed the statements made by several of the previous speakers that the leaders of the present agitation themselves remained safe at home while they exposed a large number of innocent young men—who were not even regular members of the Congress—to hardship and suffering. He also instanced the case of certain paupers participating in *forest satyagraha* in Sira Taluk and cutting down toddy trees and confessing later on that they had done so in order to go to jail, having no means of livelihood. It was pretty clear that the leaders were utilising the services of a number of unemployed men for their subversive activities. In view of such a state of affairs, he welcomed the proposed law and requested the Government strictly to enforce all its provisions.

In bringing the discussion to a close **the FIRST MEMBER (Rajamantrapravina N. Madhava Rau)** stated that the members of the House, with very few exceptions, had expressed the view that the Public Security Act was necessary as an emergent measure at the present time and that it would be an advantage to retain it on the Statute Book. Some of the members were even inclined to find fault with the Government for not having adopted it earlier. He admitted that Government had been reluctant to pass the Act although they had been advised to do so by various responsible bodies including the Representative Assembly. They had hoped that the political situation in the State would not require the reinforcement of the ordinary criminal law in the manner now proposed. It was unfortunate that in some districts, political agitation had degenerated into forms of organised lawlessness which could not be dealt with adequately by the ordinary criminal law. The Assembly members representing those districts had described in vivid detail how the agitation was being engineered, how innocent and

ignorant persons, who could not even claim to be four anna members of the Congress, were being inveigled into committing acts of lawlessness by astute persons who kept themselves in the back ground. It was difficult for the criminal law as embodied in the Penal Code and the Police Act to reach the instigators of the trouble although it provided deterrent punishments for those who were shown to have been guilty of overt acts. It was the agreed opinion of the House that the source of the trouble should be effectively tackled.

The Act contained provisions which would enable the Government, in some measure, to deal with persons primarily responsible for the propaganda of lawlessness. There were other provisions in the Act intended to check the picketing of places, intimidation of persons, no-tax campaigns and other novel activities which the framers of the Indian Criminal Law had not foreseen and adequately provided for.

One member had expressed anxiety that constitutional activities should in no way be interfered with. The Assembly might rest assured that the measure was and is intended only to stop mischievous activities of the character mentioned and that political propaganda by constitutional means would have as free scope as it had always had in this State.

Mr. Bhupalam R. Chandrasekharayya asked for an explicit statement as to whether there had been a pact or settlement between the Mysore Government and the leaders of the Congress in May 1938. The position had been explained by the Dewan in the Legislative Council. The speaker need only say that the Government Order of May 1938 was self-explanatory and needed no label or characterisation. It was of course, the result of discussions which, he added, had been conducted in a most friendly spirit. It embodied the decisions which the Government reached on the various points in the light of the information (he would not say assurances) placed before them as to the aims, methods and intentions of the Congress leaders. The Government Order was itself a settlement of all the questions then under consideration. Every one of these decisions had been fully carried out by Government. These were the facts and he would leave it to Mr. Chandrasekharayya to find an appropriate expression to describe them.

Mr. Chandrasekharayya had also suggested that the proposals of the Committee on Constitutional Reform might be discussed with the leaders of the Mysore Congress and others. The speaker thought that such a procedure would only lead to delay and could serve no useful purpose. As the members of the Assembly were aware, the Reform Committee had called for and obtained the opinions of the representatives of all schools of thought and its own composition comprehensively reflected the different political opinions in the country.

As to the duration for which the Act would be in force, **Mr. MADHAVA RAU** stated that its provisions would be used only in emergent circumstances and that there was no intention of resorting to them in normal situations. When the political atmosphere improved (they hoped, it would be very soon) there might be no occasion to use the provisions of this Act. As Mr. Middleton had said, it would then be lodged in the armoury of unused or rarely used legal weapons.

The members had described in a graphic manner and without euphemism, the doings of some of the present-day agitators who had adopted the forms and misused the technique of *satyagraha*. It was true that their activities had been the immediate occasion for passing the Act. But it should be remembered that its provisions would be equally useful for dealing with other forms of rowdyism —political, economic or sectarian— should they make their appearance and threaten public peace in any part of the State.

Some members of the House had stated that the present agitation had received an impetus from the fact that political convicts had been released before the expiry of the sentences on certain occasions in the past. They had expressed the hope that there would

be no repetition of such leniency. Without admitting that the release of prisoners in the past was not fully justified by the circumstances then existing, Mr. MADHAVA RAU assured the House that there was no question at present of releasing the political convicts unle it was clear that they were genuinely penitent and would not take part again in unlawful activities.

With regard to the fears expressed by Mr. Malliah, the speaker stated that the provisions of the Act and the manner in which they had been used should be ample guarantee that the powers of preventive detention, etc., taken under the Act would not be entrusted to subordinate Police Officers. They would be exercised by Magistrates of status and experience, generally District Magistrates, under the close supervision of Government.

Personal liberty is a most valuable right of citizenship and should not be lightly interfered with. They were all agreed about that. But as some of the members had forcibly pointed out, there might be situations like the present where it was necessary to curtail this personal right in the larger interests of the public. The preventive detention of a few mischievous leaders might conceivably mean the preservation of the liberties of hundreds of comparatively innocent people whom they wished to victimise without scruple.

The general principles of the bill were then put to vote, and passed, 180 members voting FOR *and 11* AGAINST.

The House adjourned at 5-40 p.m., to meet again at 12 of the clock the following day.

THIRD DAY.

Wednesday, 18th October 1939.

The House reassembled at the Jagan Mohan Palace Pavilion, on Wednesday, 18th October 1939, at 12 of the clock, Mr. President (*Amin-ul-Mulk* Sir Mirza M. Ismail, K.C.I.E., O.B.E., Dewan) in the Chair.

Durbar Tickets for the Families of Representative Assembly Members.

Before the business of the day was taken up, Mr. V. S. KASTURI represented that the members of the Assembly were having some difficulty in obtaining tickets for the admission of members of their families to the Durbars held by His Highness the Maharaja. As ladies who had come from distant parts of the State were naturally anxious to witness the Durbars, he prayed that arrangements be made by the President for securing permits for the families of all members of the Representative Assembly.

The PRESIDENT replied that the issue of tickets for admission to the Durbars was being regulated from day to day according to the accommodation available.

QUESTIONS AND ANSWERS —*contd.*

Bus Service on the Bangalore-Malavalli-Bannur-Seringapatam-Mysore Road.

Q.—31. Mr. H. K. MADIAH (Malavalli Taluk).—

Will the Government be pleased to state :—

(*a*) the number of buses running between Bangalore and Mysore, *via* Seringapatam, Bannur, Malavalli, Halagur and Sathanur ;

(*b*) whether it has come to their notice that the road through which the buses run is in a good condition to allow bus traffic thereon ;